

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

JAMES R. CATE,)	
)	
Plaintiff,)	
)	
v.)	No. 3:02-CV-611
)	(PHILLIPS/GUYTON)
CITY OF ROCKWOOD, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter came before the Court on September 27, 2005, for a hearing on the Plaintiff's Motion to Quash [Doc. 35]. Carol S. Nickle was present representing the plaintiff. Nathan D. Rowell was present representing the defendants.

Based upon the statements of counsel at the hearing, the defendants' Response in opposition to the Motion [Doc. 36], plaintiff's Reply to the defendants' Response [Doc. 42], and the entire record in this case, the Court finds that the plaintiff's Motion to Quash [Doc. 35] is

GRANTED IN PART AND DENIED IN PART, as follows:

1. Medical records in issue are discoverable and shall be produced by the plaintiff.
2. Before that occurs, however, the plaintiff and the defendants will prepare an Agreed Protective Order to be submitted to the undersigned for entry on or before **October 11, 2005**.
3. If the parties can not agree on a Protective Order on or before October 11, 2005, the parties shall advise the Court's Judicial Assistant, Holly Nease, by telephone, whereupon the Court will file its own Protective Order.

4. Upon entry of the Protective Order, the plaintiff shall have twenty (20) days either to produce the requested documents to the defendants or provide the defendants with a release so that the defendants can obtain the medical records directly from the medical providers.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge